ADDING VALUE to the EQUATION:
STRATEGIC PLANNING CONSIDERATIONS for
CHARTER SCHOOL AUTHORIZERS

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by

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Executive Summary

The National Association of Charter School Authorizers believes that "we need quality authorizing to have quality charter schools" (NACSA, 2005, p. 1). Clearly, the charter school movement is far enough along that there should be no question that, in the words of Justin Testerman, Director of the Charter School Sponsorship Program for Volunteers of America of Minnesota, "Authorizers add value to the equation" for creating successful schools.

While you'd think that a job that adds value to charter schools would be appreciated, it often isn't. Instead, authorizing is a high-pressure, sometimes inadequately funded job, and can be the epicenter of tremors in the charter school movement. Authorizers are praised one week for being forward-thinking and resourceful, and then criticized the next for holding schools "too" accountable. As Patrick Shannon of charter authorizer Bay Mills Community College in Michigan says, "Authorizing is not a retirement job." Another participant wryly summed up the pressures thus: "Authorizers are subject to the vicissitudes of every political whim."

Political environments notwithstanding, chartering schools and then holding them accountable is the very essence of being a quality authorizer. The laws require it, the public demands it, and children deserve it.

So how do effective authorizers strategically position themselves to withstand the slings and arrows of political investigations, threatened lawsuits, and pressures—all while chartering, overseeing and evaluating schools? To answer this question, we interviewed the leaders of six major charter authorizers (major being defined as having an observable impact on the charter school movement in their respective state or district) about the strategic planning considerations used by their organizations. Their answers are instructive.

From conversations with NACSA officials about the shape this project would take, it became clear that NACSA assumes that most authorizers are familiar with the basics of the strategic planning process—which are usually an iterative, collaborative consideration of mission, vision, priorities, objectives, strengths, weaknesses, opportunities, threats, and so on. Instead of covering these things, NACSA expressed an interest in having us present strategic planning considerations that are unique to authorizers.

Thus, we structured our interviews around the core authorizing functions. Such considerations contribute to, but are not the end of, the strategic planning.

We also recognized up front that many authorizers may not yet have a written strategic plan but we said: "Whether your authorizing organization has a written strategic plan, we're betting that you actively employ strategic planning considerations to achieve your objectives. Please help us understand what you're doing, why you're doing it, and what the underlying strategic objective is."

This paper is a synthesis of their insights. It is intentionally written to be reader-friendly, thus is largely devoid of the technical terms and stilted language sometimes found in research briefs. The paper is intended to help authorizers improve their effectiveness.

Overview & Methodology

To conduct this project, we asked six authorizers to participate in individual telephone interviews in which they were asked the same 10 questions. Five of the questions were structured around NACSA's 2005 "Standards & Principles" publication, which defines standards for the five core functions of authorizing. They are: Agency Capacity and Infrastructure, the Application Process, Performance Contracting, Ongoing Oversight and Evaluation, and Renewal Decision Making (pp. 6-10). The other five questions were more general in nature. All 10 questions are shown below:

1. With respect to standard #1, "Agency Capacity and Infrastructure," what are the key strategic planning considerations you use in obtaining funding and recruiting staff? What are some of the key things you do to protect your office from accusations of conflicts of interest and/or harmful political influence?

2. With respect to standard #2, "Application Process," what are the key strategic planning considerations you use to grant charters?

3. With respect to standard #3, "Performance Contracting," what are the key strategic planning considerations you use to issue and supervise contracts that maintain the appropriate tension between school autonomy and performance consequences?

4. With respect to standard #4, "Ongoing Oversight and Evaluation," what are the key strategic planning considerations you use to monitor compliance and provide the necessary oversight to your school(s)?

5. With respect to standard #5, "Renewal Decision Making," what are the key strategic planning considerations you use to renew or not renew a school's charter?

6. In your estimation, on a scale of one to ten, with one being least influential to ten being the most influential, how would you rank the influence of your office relative to the success of your schools?

7. At any time during the application and/or performance monitoring process, do you require schools to submit a written strategic plan? If yes, please briefly describe the terms of this requirement.

8. As an authorizer, do you maintain a written strategic plan for your office?

9. Can you recommend any books, websites or materials to your fellow authorizers that you've found to be extraordinary for strategic planning?

10. Relative to strategic planning considerations, if you could recommend only one thing every authorizer should do, what would that be?

Limitations

Given the comprehensiveness of NACSA's standards, we asked authorizers to give us only a general sense of their strategies.

Additionally, it can be difficult to parse the difference in meaning between "strategic planning process" and "strategic planning considerations." We acknowledge that the questions we asked were less strategic planning process-oriented and more focused on the actual strategies used by authorizers to do their jobs.

The authorizers we interviewed constitute what researchers call a "convenience sample," i.e., a sample that is not randomly selected. A convenience sample contains the built-in limitation that the findings may not be generalizable beyond the sample. However, we intentionally chose authorizers from different states and from different kinds of authorizing organizations in order to sample a variety of thinking so that their ideas would have the widest possible application.

Participants

We selected a Washington, D.C. created public entity, a California school district, an Arizona state board, a New York university, a Michigan community college, and a Minnesota not-for-profit, as follows:

Josephine L. Baker
Executive Director
District of Columbia Public Charter School Board

Brian Bennett
Director
Office of School Choice,
San Diego Unified School District

Kristen Jordison
Executive Director
Arizona State Board for Charter Schools

James D. Merriman, IV
Executive Director
Charter Schools Institute,
State University of New York (SUNY)

Patrick Shannon
Director of Charter Schools
Bay Mills Community College

Justin Testerman
Director
The Charter School Sponsorship Program,
Volunteers of America of Minnesota

Results

In the following sections, the answers the authorizers gave are synthesized into key points. Our intent is to help you think about how you can apply the information to your own strategic planning as an authorizer. For the sake of brevity, not every authorizer's answer is included in each finding.

In some places in this paper, quotes are attributed to particular authorizers. In other instances where the information might be more sensitive, the authorizer is not identified. Where we chose to make quotes anonymous, we intentionally took a bit of grammatical license by using the plural pronoun "they," even though "the authorizer" is a singular noun.

1. Agency Capacity and Infrastructure

With respect to standard #1, "Agency Capacity and Infrastructure," what are the key strategic planning considerations you use in obtaining funding and recruiting staff and what are some of the key things you do to protect your office from accusations of conflicts of interest and/or harmful political influence?

In its "Principles & Standards for Quality Charter School Authorizing," NACSA (2005) defines the standard for "Agency Capacity and Infrastructure" as:

> A quality authorizer creates organizational structures and commits human and financial resources necessary for conducting its authorizing duties effectively and efficiently (p. 6).

As expected, every authorizer interviewed faces different funding mechanisms, and thus different funding challenges. Some authorizers are funded with a per pupil fee, while others are a line-item in a legislative or municipal budget. Some are adequately funded while others are astonishingly under-funded. Naturally, how well an authorizing organization is funded and where the funding comes from will have a great deal to do with the strategic planning considerations used in structuring the organization and determining how to fulfill its responsibilities.

Despite the differences in funding and funding mechanisms and their impact on staffing decisions, there were three common strategic planning considerations that emerged under this standard. These were **networking**, **recruiting a quality team,**

and, not surprisingly, avoiding conflicts of interest by **being transparent**. Each of these is discussed below:

Networking was identified as a critical strategy by several authorizers relative to funding. One authorizer said they "hand carry" their annual report on school performance to the budget decision-makers, explaining school performance issues face to face. Another said simply, "Be connected" to your state legislature, meaning that authorizers should build relationships in their state's capitol.

Yet another authorizer said they "keep the governor's people in the loop." They added, "If your governor is going to be changing, then be talking to [the candidates]." Justin Testerman of the Charter School Sponsorship Program of the Volunteers of America of Minnesota indicates that he networks through a forum composed of other charter organizations in order to "identify key issues to lobby the Legislature, such as sponsor [authorizer] funding." Similarly, Pat Shannon of Michigan's Bay Mills Community College noted the importance of being involved with associations and councils.

In terms of strategic considerations, the reality of networking suggests that an authorizer's job happens outside of the office as much as it does within the office, mainly because key decision-makers probably wouldn't typically be coming to authorizers. It also suggests that a segmented, continuously maintained database of contacts may be one of an authorizer's most valuable management tools.

Every authorizer we spoke with articulated the importance of recruiting a quality team, though some authorizers are severely limited because of budget constraints. Such limitations necessitate quality hiring all the more, as in the case of Kristen Jordison of the Arizona State Board for Charter Schools, who, despite having only eight people on her team, conducts 375 school audits per year. She says budget limitations force them to run "lean and mean." She outsources general agency accounting and IT. She also contracts with the attorney general's office for investigating cases of potential fraud.

James Merriman of the State University of New York's Charter School Institute says that the main function of an authorizing organization is "to hold up a mirror" to the schools it charters. His strategy for accomplishing this goal is to hire experienced educators for his authorizing team.

When it comes to recruiting new team members, Josephine Baker, executive director of the District of Columbia Public Charter School Board, has found that networking is more effective and easier than newspaper advertising. By talking to different people in the community, she has been able to find the right kinds of team members and avoids having to sort through stacks of résumés of individuals who are not qualified.

When it comes to avoiding conflicts of interest, most of the authorizers emphasized the crucial strategy of being transparent, which serves as a kind of "automatic accountability."

"We maintain arm's length with anything that even remotely could be construed [as a conflict of interest]," noted Baker.

Brian Bennett of San Diego Schools said that former superintendent Alan Bersin's approach to avoiding conflicts of interest was "to make the office as transparent as possible." He notes with satisfaction that this strategy really paid off when his office was twice investigated by district lawyers as a result of politically motivated allegations.

How far should an authorizer go to avoid conflicts of interest?

James Merriman and Pat Shannon, attorneys by training, go the extra mile when it comes to avoiding conflicts of interest.

Merriman declines transportation to conferences that are sponsored by education service providers. He also hesitates to attend conferences that would require "using taxpayer dollars to go to luxury resorts." He asks himself when making decisions, "How would this run on Channel 5?" and adds, "That is your litmus test." He even avoids letting people take his team to lunch if there is the possibility that a charter relationship may exist in the future.

Shannon says, "no golf outings" paid at someone else's expense, noting that it is best to altogether avoid "even an appearance of impropriety."

2. Application Process

With respect to standard #2, "Application Process," what are the key strategic planning considerations you use to grant charters?

NACSA states the following regarding quality authorizing on this standard:

> A quality authorizer implements a comprehensive application process that follows fair procedures and rigorous criteria and grants charters only to those developers who demonstrate strong capacity for establishing and operating a quality charter school (2005, p. 7).

When the charter school movement began, the emphasis seemed to be getting schools in place. Authorizers were more inclined to issue charters according to a less-defined process. Now, however, there is an unmistakable emphasis on standards that lead to quality. This was best illustrated by one authorizer who said, "Over time our process has changed considerably. We had a few years where we chartered nearly 100 percent of the applications." These days, they have "changed their model to play more of a gate-keeping role."

Two common strategic considerations among authorizers emerged under the Application Process standard: **Requiring a rigorous application process**, although authorizers have different measurements of rigor, and **considering geographic implications**. Three authorizers noted that they give preference to applicants that will serve less-privileged students.

Merriman evaluates applications partly on the track record of the operator. He said, "We have always felt that charter schools have to be academically successful. Thus we only grant charters to those applicants that have the highest probability of success based on their record." He also pointed out that the charter school law in New York requires special consideration be given to schools that will serve a high Title I population.

Baker's office requires a "rigorous" application process that is "vetted" by numerous people. Although the board can grant 10 charters per year, in 2001 they received 5 applications, all of which were rejected.

Testerman's organization uses an external advisory board in the charter-granting process. This strategy not only helps him "do more with less," it is a good way to involve other school experts in reviewing applications, a process he feels allows him to "give substantive feedback to [school applicants]." Testerman also considers applications from groups whose mission aligns with his organization's mission of social renewal—an aspect that has geographic implications.

Jordison's office extended the timeframe between the approval of the application and the opening date of the schools to 24 months—a move that she feels encourages school operators to refine their plan and work out potential snags before the doors are ever opened.

Shannon says Bay Mills now requires a three-page proposal before they will let anyone even fill out an application.

In addition to stressing the need for a rigorous application process, the authorizers all emphasized the need to have a uniform process based on written criteria.

The strategic lesson for authorizers is that the charter school movement has evolved to the point where it is now counterproductive to issue charters to groups that have not demonstrated or cannot demonstrate the capacity to run a successful school. If, as conventional wisdom states, the best time to fire a person is before you hire him or her, then the best time to revoke a charter is before you issue it.

As with the hiring process, it's also likely that a candidate will never be any better than his application.

3. Performance Contracting

With respect to standard #3, "Performance Contracting," what are the key strategic planning considerations you use to issue and supervise contracts that maintain the appropriate tension between school autonomy and performance consequences?

Regarding performance contracting, NACSA states:

> A quality authorizer negotiates contracts with charter schools that clearly articulate the rights and responsibilities of each party regarding school autonomy, expected outcomes, measures for evaluating success or failure, performance consequences and other material terms (2005, p. 8).

Within this core function, there is an inherent difference among authorizers depending on state law and other factors (such as length of initial contract). In some states, such as Arizona, most of the performance requirements for schools are written into the law. In others states, like New York, performance requirements may vary more by school and are written into the contract. Obviously, these differences result in different performance contracting strategies.

The common considerations in Performance Contracting were **contractually stating clear expectations**, such as when reports are due, etc. In states where the performance expectations may differ by school, authorizers emphasized the need for **defining performance measures**. All authorizers expressed the necessity of **respecting board autonomy**, but some have a greater capacity to intervene when contractual obligations aren't being fulfilled by a particular school. Several authorizers said they received guidance by looking at what their authorizing colleagues were doing in states with similar laws.

Shannon hired a prominent law firm to develop the Bay Mills charter contract. Regarding this method of stating clear expectations, he said, "It is expensive but you've got to spend the money. You have to have a good contract prepared by someone who knows that they're doing." He added that Bay Mills requires a "great deal of accountability" from their schools and that the college respects the autonomy of boards, but in the end, "Boards serve at [the college's] pleasure." The college, he noted, will remove one or more board members when the job isn't getting done.

Testerman likened clearly stated expectations to knowing the rules of a game. He said that the absence of clearly stated expectations would be like "playing football when one of the teams doesn't know the rules." He also noted that part of his challenge in Minnesota is working with others to "build a consensus on what a good charter school authorizer should do."

Baker encourages board autonomy and advocates that schools maintain control over at least some of their operations. The D.C. board once revoked the charter of a school after it failed to remedy an improper governance situation.

Bennett emphasized that the consequences for failing to meet the expectations must also be clear. This too, was a theme that was articulated by several other authorizers.

4. Ongoing Oversight and Evaluation

With respect to standard #4, "Ongoing Oversight and Evaluation," what are the key strategic planning considerations you use to monitor compliance and provide the necessary oversight to your school(s)?

NACSA defines quality authorizing in the area of oversight and evaluation as follows:

> A quality authorizer conducts contract oversight that evaluates performance, monitors compliance, informs intervention and renewal decisions, and ensures autonomy provided under applicable law. (2005, p. 8).

As with the core function of Performance Contracting, the roles that authorizers fulfill in the area of Ongoing Oversight and Evaluation vary widely depending on state law, length of contracts, and other factors. Naturally, this means that the strategic considerations authorizers use in their respective shops differ as well.

Regardless of the differences in state law, every au-

thorizer said his or her main goal is to empower quality schools. To accomplish this, some authorizers **provide board training**, either mandatory or voluntary. **Conducting regular site visits** is also a strategy utilized by authorizers, though in different ways and at different times. All authorizers **require regular report filing**. Two authorizers specifically expressed an interest in purchasing the software known as AOIS—Authorizer Oversight Information System—but had not yet been able to acquire the funds for doing so.

Jordison operates in Arizona, whose law prescribes performance requirements rather than the contract. If schools under-perform for three consecutive years, the board may revoke the charter. Obviously, such a drastic measure is not a desirable outcome, so the state board uses things like site visits and two-day training sessions for new school boards to try to move schools in the right direction.

Baker uses a "Performance Development Review" which informs the school about areas that need improvement. She also contracts out some of their school reviews, "partly to avoid building a big bureaucracy" and partly to "allow for specialty reviewers such as bilingual education." She likes the flexibility that this allows as well as the "freshness" such a practice adds to the oversight process.

Bennett conducts an "intensive three-day site visit" in every school's first and third year to determine if the 16 elements of a school's charter are being fulfilled. He also conducts an annual visit, usually 2-3 hours in length, but one that is "much less formal" than the site visit. In the case of San Diego Unified School District, "charters must adhere to the State of California Framework and Content Standards, state and federal law, and the District's Charter School Policy and Guidelines," said Bennett.

Testerman emphasized doing everything in his power to see that his organization builds quality schools. He says, "When we sponsor a school, our name is affiliated with that school." Part of his strategy is to visit each school four times per year, as well as attend at least four board meetings per year.

Shannon agreed that it is essential to have his team visit the Bay Mills schools on a regular basis. He noted that "face-to-face" meetings, along with regular reporting (tracked with an electronic filing system known as "eCabinet) are vital. Bay Mills also mandates training for board members.

5. Renewal Decision Making

With respect to standard #5, "Renewal Decision Making," what are the key strategic planning considerations you use to renew/not renew a school's charter?

The core function of Renewal Decision Making is defined by NACSA as:

> A quality authorizer designs and implements a transparent and rigorous process that uses comprehensive data to make merit-based decisions. (2005, p. 9).

Of the five core functions, Renewal Decision Making may be the most difficult to fulfill although some of the authorizers in this study had not yet come to a point in their duties where they have had to make renewal decisions. Still, all the authorizers were cognizant of the importance of **making data-driven renewal decisions** and the advantage of **using a multi-option renewal approach**.

Merriman has faced the difficulty of not renewing a charter, noting, "Our essential view has been that we don't have the capacity or knowledge to try to restructure a [failing] charter school." He adds that trying to restructure schools would only "muddy the water because it doesn't make clear the consequences [for failing to achieve performance expectations]." On the other hand, to reward successful schools, his office has created "an early renewal pass at three years" and he can renew contracts up to five years. He uses "short term renewals of two years," when necessary, as a kind of probationary renewal.

Shannon emphasized the importance of data-driven decisions but recognizes that "there is also a subjectiveness" in the process. He says Bay Mills is studying what other authorizers are doing.

Testerman says their "mantra" in renewal/non-renewal decisions is "no surprises." He wants both sides of the table to know exactly what is going on. He says he is able to achieve this because their "accountability process feeds into renewal."

Baker uses a similar strategy. Her office maintains a "priority review list." If a school is on the list, it is considered "mission critical" and duly notified. Baker says D.C. law requires "high-stakes reviews" every five years, meaning that in the fifth year of a school's operation, her office evaluates the overall progress of the school. Since the law stipulates 15-year initial contracts, there have been no occasions for renewal in their system yet.

Bennett's office can grant up to five years on the initial charter and five years on the renewal.

Two key considerations or distinctions are important in the renewal decision making process. First, not renewing a charter is not the same as revoking a charter. The legal ramifications of revoking a charter and not renewing a charter (contract) can be quite different. In fact, an authorizer who was consulted on this project suggested that the authorizing community begin to move away from the term "renewal" and move toward a description that more accurately implies the action being taken: issuing another contract.

Bottom line: as a matter of strategy, it is "easier" to not issue a new contract than it is to revoke an existing contract.

6. Rank Your Influence

In your estimation, on a scale of one to ten, with one being least influential to ten being the most influential, how would you rank the influence of your office relative to the success of your schools?

(Author's note: It appears that this question was unintentionally ambiguous. There is a sense in which schools are clearly responsible for their own success and a sense in which authorizers play a key supporting role with regard to policy settings, regulatory climate, etc. Still, the answers given are interesting, but should be interpreted with caution because of the lack of clarity in the question.)

Baker: "Maybe a six." While Baker felt that quality authorizing is a component in the school's success, she felt that ultimately it depends more on the school itself.

Bennett: "Eight. If they fail, we've failed. Either we didn't do a good job authorizing or in [providing] oversight."

Jordison: "A six. The success of our schools is theirs." To substantiate her conclusion, Jordison notes that in years past when they were "very free" from regulation as an authorizer, they had some very successful schools.

Merriman: "Four. If they are not likely to succeed, the authorizer probably isn't going to make it happen. The most important factor is the technical knowledge and skill of the people running the school."

Shannon: "Nine. If we're not providing oversight and accountability and services to our schools then we're not serving them properly."

Testerman: "Eight. Every year that we work through a start-up process with a school, we get better. We help set the conditions for success."

7. Require Strategic Plans from Schools?

At any time during the application and/or performance monitoring process, do you require schools to submit a written strategic plan? If yes, please briefly describe the terms of this requirement.

Three authorizers—Shannon, Jordison, and Testerman—require the schools they authorize to have a plan that incorporates strategic elements, though the plan isn't necessarily called a strategic plan. Brian Bennett doesn't require a plan, but his office "may attach it as a condition for renewal" if he feels it is necessary.

As an example of requiring what is essentially a strategic plan by another name, Jordison's office requires a three-year operating budget plus a one-year cash flow projection which is "married to the operating plan." She noted that it's not called a strategic plan, but asserted that's what it amounts to. She also feels the School Improvement Plan is "a strategic plan of sorts."

The other authorizers don't require a strategic plan, though there are various reporting requirements that include some of the elements you would expect to find in a plan, such as mission and vision, etc.

8. Authorizer Strategic Plan?

As an authorizer, do you maintain a written strategic plan for your office?

With one exception, the authorizers who require a strategic plan from schools also maintain one in their own office and vice versa. The exception is Bennett, who maintains a plan for his office but doesn't necessarily require one of schools as noted above.

Baker reported that although they don't have a written plan as of yet, they "had a two-day board and staff retreat out of which came some key considerations." She indicated that they used a facilitator for the retreat.

Another authorizer specifically said they didn't have a written strategic plan because they want to "be careful what [they] put in writing." Given the political climate, the nature of FOIA laws, etc., it seems imprudent to this authorizer to put their strategy down in writing.

9. Resource Recommendations

Can you recommend any books, websites or materials to your fellow authorizers that you've found to be extraordinary for strategic planning?

Two authorizers, Testerman and Bennett, made recommendations. Testerman recommended the work of John Bryson of the Hubert H. Humphrey Institute at the University of Minnesota as "seminal." Bryson's book is listed in the strategic planning recommended resources at the conclusion of this paper.

Bennett strongly recommends the materials published by NACSA.

There are additional resources recommended by the National Charter Schools Institute.

10. One Final Recommendation

Relative to strategic planning considerations, if you could recommend only one thing every authorizer should do, what would that be?

Josephine Baker: "Plan, plan, plan. You need to step back and look at what you have done and what the results have been."

Brian Bennett: "Establish personal relationships with the charter leader at each site. Meet with them regularly and visit their schools."

Kristen Jordison: "Keep the end in mind. What is it that we ultimately want from schools? And don't overburden them with regulations."

James Merriman: "Do exactly what we tell schools to do: Take a planning year! Take your own advice and build your own [authorizing] structures."

Patrick Shannon: "[Remember that] It has to be all about the children—it's not about the adults."

Justin Testerman: "Communication, communication, communication." For example, "Have a written program guide that clearly describes your application process, etc. and make it accessible to people."

Conclusion & Acknowledgements

As the title of this report suggests, authorizers play a vital role in the success of charter schools. The need to fulfill those responsibilities has never been greater. Effective authorizers utilize the following strategic planning considerations to help ensure successful schools.

- networking
- recruiting a quality team
- being transparent
- requiring a rigorous application process
- considering geographic implications

- contractually stating clear expectations
- defining performance measures
- respecting board autonomy
- providing board training
- conducting regular site visits
- requiring regular reporting
- using data-driven renewal decisions
- using a multi-option renewal approach

You will note that each of these strategies involves action verbs and have implications for the kinds of people authorizers need to recruit.

Resource Recommendations

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